

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PETER W. EMMET,  
Plaintiff,

v.

TOM DEL FRANCO; JOHN OSTENDORF;  
NICHOLAS DEL FRANCO; MARTIN KARO;  
ORGANIC AMERICA WHOLESale, LLC; THE  
GREENHOUSE LEASING COMPANY, LLC;  
HOUGHTON STORAGE SOLUTIONS, LLC;  
HYDROPONICS HOUSE LC; ORGANIC  
AMERICA MARKETS, LLC; ORGANIC  
AMERICA FARMS, LLC; ORGANIC AMERICA  
HOLDINGS, LLC; ORGANIC AMERICA OF FORT  
MYERS, LLC; NDF ENTERPRISES; ; ORGANIC  
AMERICA FARMS OF AMHERST, LLC; JOHN  
DOE(S) 1-10 AND ABC CORPORATION(S) 1-10,

Defendants.

Case No.: 2:16-cv-11211

Hon. Gershwin A. Drain  
Magistrate J. Stephanie  
Dawkins Davis

---

KEVIN M. MULVANEY (P76915)  
CARA M. SWINDLEHURST (P79953)  
Wilson Elser Moskowitz Edelman &  
Dicker, LLP  
Attorneys for Plaintiff  
17197 N. Laurel Park Drive, Suite 201  
Livonia, MI 48152  
(313) 327-3100 / (313) 327-3103 (fax)  
[john.eads@wilsonelser.com](mailto:john.eads@wilsonelser.com)  
[kevin.mulvaney@wilsonelser.com](mailto:kevin.mulvaney@wilsonelser.com)  
[cara.swindlehurst@wilsonelser.com](mailto:cara.swindlehurst@wilsonelser.com)

---

BRUCE J. LAZAR (P16475)  
Couzens, Lansky, Fealk, Ellis, Roeder  
& Lazar, P.C.  
Attorneys for all Defendants, except  
Martin Karo  
39395 W. Twelve Mile Road  
Suite 200  
Farmington Hills, MI 48331  
(248) 489-8600 / (248) 489-4156 (fax)  
[bruce.lazar@couzens.com](mailto:bruce.lazar@couzens.com)

JOSEPH P. FITENI, ESQ.  
Coughlin Duffy LLP  
Attorneys for Plaintiff  
350 Mt. Kemble Ave., Third Floor  
Box 1917  
Morristown, NJ 07962  
(973) 631-6045 / (973) 267-6442 (fax)  
[jfiteni@coughlinduffy.com](mailto:jfiteni@coughlinduffy.com)  
[msilver@coughlinduffy.com](mailto:msilver@coughlinduffy.com)

MARTIN H. KARO (P40761)  
In Pro Per  
205 Garber Drive  
Yardley, PA 19067-7342  
(215) 428-2502 / (215) 428-2816 (fax)  
[martin.karo@verizon.net](mailto:martin.karo@verizon.net)

---

**STIPULATION TO ADJOURN FACILITATION**

Counsel for Plaintiff and counsel for Defendants having agreed and the Court being otherwise fully advised in the premises, the parties stipulate that:

1. The Stipulation and Order Referring Case to Facilitation, wherein Facilitation is ordered to be on August 28, 2017 with Judge Daniel P. Ryan, be adjourned until January 8, 2018;
2. Parties shall appear at a facilitation hearing on January 8, 2018 at 9:30 a.m. with Judge Daniel P. Ryan.

**IT IS SO STIPULATED**

By: /s/ Kevin M. Mulvaney  
KEVIN M. MULVANEY (P76915)  
WILSON ELSER MOSKOWITZ  
EDELMAN & DICKER, LLP  
17197 N. Laurel Park Drive, Ste 201  
Livonia, Michigan 48152  
(313) 327-3100  
[Kevin.mulvaney@wilsonelser.com](mailto:Kevin.mulvaney@wilsonelser.com)

By: /s/ Bruce J. Lazar (w/permission)  
BRUCE J. LAZAR (P16475)  
Couzens, Lansky, Fealk, Ellis, Roeder &  
Lazar, P.C.  
Attorneys for all Defendants, except Martin  
Karo  
39395 W. Twelve Mile Road Suite 200  
Farmington Hills, MI 48331  
(248) 489-8600 / (248) 489-4156 (fax)  
[bruce.lazar@couzens.com](mailto:bruce.lazar@couzens.com)

By: /s/ Martin Karo (w/permission)  
Martin Karo  
Pro se  
205 Garber Dr.  
Yardley, PA 19067-7341  
(215)428-2502  
[martin.karo@verizon.net](mailto:martin.karo@verizon.net)

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PETER W. EMMET,  
Plaintiff,

v.

TOM DEL FRANCO; JOHN OSTENDORF;  
NICHOLAS DEL FRANCO; MARTIN KARO;  
ORGANIC AMERICA WHOLESale, LLC; THE  
GREENHOUSE LEASING COMPANY, LLC;  
HOUGHTON STORAGE SOLUTIONS, LLC;  
HYDROPONICS HOUSE LC; ORGANIC  
AMERICA MARKETS, LLC; ORGANIC  
AMERICA FARMS, LLC; ORGANIC AMERICA  
HOLDINGS, LLC; ORGANIC AMERICA OF FORT  
MYERS, LLC; NDF ENTERPRISES; ; ORGANIC  
AMERICA FARMS OF AMHERST, LLC; JOHN  
DOE(S) 1-10 AND ABC CORPORATION(S) 1-10,

Defendants.

Case No.: 2:16-cv-11211

Hon. Gershwin A. Drain  
Magistrate J. Stephanie  
Dawkins Davis

---

KEVIN M. MULVANEY (P76915)  
CARA M. SWINDLEHURST (P79953)  
Wilson Elser Moskowitz Edelman &  
Dicker, LLP  
Attorneys for Plaintiff  
17197 N. Laurel Park Drive, Suite 201  
Livonia, MI 48152  
(313) 327-3100 / (313) 327-3103 (fax)  
[john.eads@wilsonelser.com](mailto:john.eads@wilsonelser.com)  
[kevin.mulvaney@wilsonelser.com](mailto:kevin.mulvaney@wilsonelser.com)  
[cara.swindlehurst@wilsonelser.com](mailto:cara.swindlehurst@wilsonelser.com)

---

BRUCE J. LAZAR (P16475)  
Couzens, Lansky, Fealk, Ellis, Roeder  
& Lazar, P.C.  
Attorneys for all Defendants, except  
Martin Karo  
39395 W. Twelve Mile Road  
Suite 200  
Farmington Hills, MI 48331  
(248) 489-8600 / (248) 489-4156 (fax)  
[bruce.lazar@couzens.com](mailto:bruce.lazar@couzens.com)

JOSEPH P. FITENI, ESQ.  
Coughlin Duffy LLP  
Attorneys for Plaintiff  
350 Mt. Kemble Ave., Third Floor  
Box 1917  
Morristown, NJ 07962  
(973) 631-6045 / (973) 267-6442 (fax)  
[jfiteni@coughlinduffy.com](mailto:jfiteni@coughlinduffy.com)  
[msilver@coughlinduffy.com](mailto:msilver@coughlinduffy.com)

MARTIN H. KARO (P40761)  
In Pro Per  
205 Garber Drive  
Yardley, PA 19067-7342  
(215) 428-2502 / (215) 428-2816 (fax)  
[martin.karo@verizon.net](mailto:martin.karo@verizon.net)

---

**ORDER GRANTING ADJOURNING FACILITATION**

This matter having come before the court on the parties' stipulation and the court being otherwise fully advised:

IT IS HEREBY ORDERED AND ADJUDGED that:

3. The Stipulation and Order Referring Case to Facilitation, wherein Facilitation is ordered to be on August 28, 2017 with Judge Daniel P. Ryan, be adjourned until January 8, 2018;
4. Parties shall appear at a facilitation hearing on January 8, 2018 at 9:30 a.m. with Judge Daniel P. Ryan.

IT IS SO ORDERED.

This is NOT a final order and does NOT resolve the case.

Date: August 29, 2017

/s/Gershwin A Drain  
United States District Court Judge